

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BRUCE WOODRUFF KURT,

Plaintiff,

v.

THE DEFACTO JUDICIARY OF  
MISSOURI, AND ALL OTHER  
MEMBERS OF THE GOVERNMENT  
OF THE MISSOURI BAR,

Defendants.

No. 4:12CV1177 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court upon the motion of Plaintiff for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that Plaintiff is financially unable to pay any portion of the filing fee. As a result, Plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

**28 U.S.C. § 1915(e)**

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which

relief can be granted, or seeks monetary relief from a Defendant who is immune from such relief. An action is frivolous if it “lacks an arguable basis in either law or fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992). An action is malicious if it is undertaken for the purpose of harassing the named Defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff’d 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

### **The Complaint**

Plaintiff brings this action under 42 U.S.C. § 1983. Named as Defendants are the “de facto JUDICIARY of Missouri, and all other members of the GOVERNMENT OF THE MISSOURI BAR.” Plaintiff complains that he was arrested pursuant to a warrant on “12-16-2012 at 2:52 P.M.” Plaintiff argues that the arrest was illegal because he is a sovereign nation, and therefore, he is not subject to the laws of Missouri. Plaintiff also believes that the judges for the State of Missouri lack any actual legal authority.

## Discussion

The complaint is legally frivolous. Defendants are fictitious, and an action under § 1983 may only lie against actual persons. And Plaintiff's legal theory is wholly frivolous. Persons living in the United States are not "sovereigns." Plaintiff is, like every other American citizen, subject to the laws of the fifty states and the United States of America. As a result, the Court will dismiss this action without further proceedings.

Accordingly,

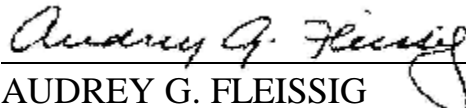
**IT IS HEREBY ORDERED** that Plaintiff's motion to proceed in forma pauperis [Doc. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is legally frivolous.

**IT IS FURTHER ORDERED** that the motion for temporary restraining order [Doc. 4] is **DENIED** as moot.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 20th day of July, 2012.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE